

**REMARKS/ARGUMENTS**

Claims 7, 8, 10, 12 and 13 are pending. By this Amendment, claims 7, 10 and 11 are amended, claims 9 and 11 are canceled, and claim 13 is added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 7, 8 and 12 were rejected under 35 U.S.C. §102(b) over JP Publication No. 03-098982, JP Publication No. 05-116866, or Netherlands Publication No. 1020911. These rejections are respectfully traversed as claim 7 has been amended to include the general subject matter of claim 9, which was not rejected in the Office Action under 35 U.S.C. §102(b).

Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 9-11 were rejected under 35 U.S.C. §103 over Netherlands Publication No. 1020911 in view of Forbes (U.S. Patent No. 1,237,627). This rejection is respectfully traversed.

Claim 7 is directed to a method of providing a stairlift installation on a staircase having a first step having a level above a floor from which the staircase extends. The method comprises providing a rail having a main section arranged at an angle of the staircase and a lower section extending from the main section, the lower section curving downwardly from the main section to terminate substantially on the first step. The method also includes providing a carriage mounted on the rail for movement along both the main section and the lower section, providing a footrest mounted on the carriage for displacement with the carriage, and constructing and arranging the rail and carriage to ensure that, when the carriage is at the lower most position on the lower section of the rail, the footrest is positioned below the first step level.

Applicants appreciate the Examiner's acknowledgement that NL '911 does not teach a lower section extending from the main section which is angled or curved downwardly from the main section. To make up for this deficiency, the Office Action relies on the teaching of Forbes.

However, Forbes teaches a rail which has a lower section curved downwardly from the main section, but it is evident that the carriage cannot come into contact with, or travel over, the lower rail section.

As is evident from a review of the present application, the disclosed stairlift installation allows the rail to be terminated at the first step, yet still allows the footrest to be positioned below the first step to allow a disabled user to easily mount, or dismount from, the stairlift. As described in the Background section of the present application, a stairlift installation is typically provided with a hinged rail section at the lower end of the rail to achieve this objective. The hinged carriage locating arms shown in NL '911 are alternatives to a conventional rail hinge. As with hinges, the arrangements shown in NL '911 require additional drive motors and linkages. By contrast, the disclosed method of providing a stairlift installation requires no extra components.

Moreover, according to the Office Action, it would have been obvious to combine the teachings of Forbes and NL '911 "... to provide a rounded termination to the rail end". However, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine the teachings of NL '911 and Forbes to eliminate the linkages and additional drive components of NL '911, and use the previously unused lower rail section of Forbes as part of the rail over which the carriage could be driven. Such a combination would be based on impermissible hindsight, which is not the proper basis for a *prima facie* case of obviousness.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

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The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140 under Order No. PTB-5091-7.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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